

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF TAX APPEALS
FILE NO. K03-S-74**

GRANVILLE JOSEPH, JR.
Represented by:
Self

APPELLANT

v.

ORDER NO. K-19143

**MAGOFFIN COUNTY PROPERTY
VALUATION ADMINISTRATOR**

APPELLEE

* * * * *

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

This matter is before the Kentucky Board of Tax Appeals ("Board") after hearing before George Helton and Bill Rice. The Board having considered all pertinent information, and being otherwise sufficiently advised, finds as follows:

FINDINGS OF FACT

This is an appeal of the 2003 property tax assessment for property owned by Granville Joseph, Jr. and located at 184 Birch Branch Road, Salyersville, Kentucky 41465. Joseph filed a timely appeal with the Kentucky Board of Tax Appeals from the Magoffin County Board of Assessment Appeals decision, which Board affirmed the \$55,000.00 assessment of the Magoffin County Property Valuation Administrator. Joseph contends the property is worth \$45,000.00.

Based upon the testimony of the parties, the property was built in 1978. The house has approximately 900 square feet, a brick veneer, and a one car carport. The home is wood frame

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and has three bedrooms and two bathrooms. The house is located within a flood plain, although the house itself sits high enough that it does not flood. Notwithstanding the foregoing, the house becomes isolated by floor water after a rain.

Mr. Bill Patrick testified for the PVA in support of the assessment and introduced numerous comparable sales to support its position.

Based upon those comparables but allowing for a further diminution in value due to the flood plain issue, the Board finds the fair cash value of the property as of January 1, 2003, to be \$50,000.00.

CONCLUSIONS OF LAW

1. The Kentucky Board of Tax Appeals is vested with exclusive jurisdiction to hear and determine appeals from final rulings, orders and determinations of the Magoffin County Board of Assessment Appeals pursuant to KRS 131.340(1).

2. The function of the Board is not simply to review the action of the local board, but to try anew the issues as presented. *Jefferson County Property Valuation Administrator v. Oxford Properties*, Ky. App., 726 S.W.2d 317, 319 (1987).

3. Section 172 of the Kentucky Constitution mandates that all property "shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale."

4. The choice of the most appropriate and reliable approach to valuation is within the prerogative of the Board. *Jefferson County Property Valuation Administrator*, *supra* at p. 319.

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5. The Board concludes that as of January 1, 2003, the fair cash value of the Joseph property, and the estimated price that it would bring at a fair voluntary sale, was \$50,000.00.

ORDER

This is a final and appealable order which may be appealed to the Franklin Circuit Court or the Circuit Court of the county in which the aggrieved party resides or conducts his place of business by filing a petition of appeal in the appropriate Circuit Court within thirty (30) days after the final order is mailed or delivered by personal service, pursuant to KRS 13B.140(1) and KRS 131.370(1). Copies of the petition of appeal shall be served by the Petitioner upon the Kentucky Board of Tax Appeals and all parties of record. The petition of appeal shall include the names and addresses of all parties to the proceedings and the Kentucky Board of Tax Appeals, and a statement of the grounds on which the review is requested. The petition of appeal shall be accompanied by a copy of this final order. Within twenty (20) days after services of the petition of appeal, or within further time allowed by the Circuit Court, the Kentucky Board of Tax Appeals shall transmit to the reviewing court the original or a certified copy of the official record of the proceeding under review in compliance with KRS 13B.140(3).

DATE OF ORDER:

April 9, 2004

FULL BOARD CONCURRING.

**GEORGE H. HELTON
CHAIRMAN**

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